2001 Butterfield Road
Downers Grove, IL 60515
(630) 512-1000

**Refrigerated Prepared Foods**



May 18, 1999

Attn.: Docket Management Branch (HFA-305)
Food and Drug Administration
Department of Health and Human Services
5630 Fishers Lane, Room 1061
Rockville, MD 20852

***by fax (301) 827-6870***

**RE: Docket No. 98N-1038**
**Irradiation in the Production, Processing, and Handling of Food**

To Whom it May Concern:

ConAgra Refrigerated Prepared Foods, operates as Armour Swift-Eckrich Consumer Products Company, Armour Swift-Eckrich Deli/Foodservice Company, Butterball Turkey Company, National Foods, Decker, and Cook's. These companies produce and distribute primarily processed meat and poultry food products, deli meats, pork, and turkey products in the United States and international markets. Additionally, we produce products under FDA regulation. Our well known brands include Armour, Brown 'N Serve, Butterball, Decker, Eckrich, Healthy Choice, Hebrew National, Longmont, Schrieber, Swift Premium, Texas Signature and Webber's.

The food industry has always realized the importance of and focused on the quality of their products. Our company views food safety as a top priority and is with the industry actively developing technologies and using resources to control pathogens. We commend both FDA and the USDA for their efforts and regulatory activity to allow the use of ionizing radiation for food products. This is a very important priority and is critical to the country's food safety initiative. Irradiation is a tool which can be used as an important part of our processes to meet public food safety objectives and further ensure the safety of our products. It is equally important however, that labeling requirements do not contribute to consumer apprehension or discourage the use of a process that may contribute to the safety of our food supply.

We also appreciate FDA's efforts in responding to the National Food Processors Association (NFPA) petition(s), among others, to address current labeling requirements

for irradiated food. We believe NFPA's arguments have merit and urge the FDA to give them due consideration.

**Labeling and Claims**

Irradiation is a safe process which poses no danger to the consumer. It is ionizing energy and is not "added" to the product. We do not believe labeling is required in this situation. However, as most consumers do not yet understand the process and may want to identify product which has been irradiated they may benefit from some type of product labeling. This is because consumers may have certain expectations of irradiated product.

Educating consumers is an important component to their acceptance of irradiation technology and process. It has been shown in consumer studies that neither the product label or point of purchase information is an effective tool in educating consumers. The FDA should support consumer education through the media and other more effective methods to ensure consumers' understanding of irradiation's potential role in the production process and in meeting food safety objectives.

If it is thought that consumers may benefit from having irradiated product identified, the radura symbol is internationally recognized and we believe sufficient to designate intact packaged product treated with irradiation. It could be placed on the principal display panel of the labeled product or conspicuously displayed at point of purchase. This labeling provision could have a time/sunset provision attached to the regulation once consumers' are comfortable with this technology.

Nevertheless, the labeling designation "irradiated (food ingredient)" becomes meaningless and potentially misleading when used to identify product components in an ingredient declaration. There will be no assurance that the irradiated ingredient contributes to the final integrity of the finished product. This would only be confusing to consumers. Furthermore, FDA has not required ingredients such as "irradiated" spices to have additional disclosure in a component product's ingredient statement. Any new requirements may be potentially misleading to consumers.

Claims which further describe the benefit of the irradiation process as applied to the product may also benefit consumers. Any claim made be a manufacturer would of course need to be adequately substantiated but we see no need for prior approval of claims by either the FDA or USDA. Perhaps a notification system similar to the structure/function claim provision used by FDA would allow the agency to address any concerns .

**Other Issues**

In the past, the process of having both FDA and USDA consider, approve, and issue necessary regulations for use of additives has been obviously inefficient and needs to be addressed by both agencies. Delays in issuing these recently proposed rules concerning irradiation by both agencies and the necessary consideration of the application of this technology to all meat and poultry processed products present the possibility of yet more

inefficient use of resources and decision making. We urge the agencies to develop a more efficient process of joint review.

The agencies have previously acknowledged the ingredient/additive approval process could be improved and have suggested an expedited process in their proposal of December, 1995 (Docket No. 88-026P). Action on this proposed rule seems to have been delayed. We would encourage both agencies to use this opportunity to finish rulemaking and implement a more efficient review and approval of substances.

This is because, the recent proposed rule by the USDA limits the application of this technology to basic meat products. However, the food safety benefits that irradiation would provide to purchasers of plain "meat" products are also desirable for the consumers of value-added products, especially those consumers at higher risk. Value-added products make use of other ingredients (such as starches, enzymes, liquids, etc.), which are added to enhance flavor and texture, replace fat, and tenderize or marinate the meat.

These raw "value added" products offer consumers the additional benefits of providing tasty, healthy, and nutritional choices as well as convenience. Consumers are just as concerned about the availability of these product choices as they are about the safety of our products.

Finally and because most of our products are under USDA regulation, it is extremely important to us that FDA's consideration of radiation and regulations and the USDA regulations are consistent. Although we do not agree with FDA's classification of "irradiation" as a food additive, we must accept this for purposes of regulatory rulemaking. However, this continued consideration and focus of the irradiation process as an additive unduly complicates and slows the application of this important technology to other meat and poultry products.

In summary and although we do not believe labeling should be required for irradiated products, if it is of benefit to some consumers at this time, the radura symbol alone could be used to identify irradiated intact product. We appreciate the opportunity to submit comments and recommendations relevant to this advance notice of proposed rulemaking.

Yours truly,

Keith L. Brickey

Keith L. Brickey
Vice President
Quality Assurance

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Downers Grove, IL 60515
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